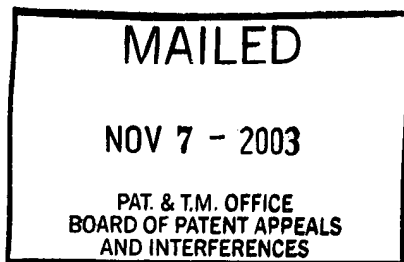




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore  
Telephone: (703) 308-9797  
Facsimile: (703) 305-0942



Applicant: IKEMOTO  
Application No.: 10/086,076  
Filed: 02/28/02  
For: PRODUCTION METHOD OF CITALOPRAM,  
INTERMEDIATE THEREFOR AND PRODUCTION  
METHOD OF THE INTERMEDIATE  
Accorded benefit: Patent 6,433,196, granted 08/13/02  
based on application 09/654,768, filed 09/05/00;  
Japanese documents 39936/2000, filed 02/17/00;  
65527, filed 03/09/00

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,075.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in black ink, appearing to read "James T. Moore".

JAMES T. MOORE

Administrative Patent Judge

Filed by:

James T. Moore  
Administrative Patent Judge  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
Mail Stop Interference  
PO Box 1450  
Arlington, VA 22313-1450  
Tel: (703) 308-9797  
Fax: (703) 305-0942

Filed:  
7 November 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

HANS PETERSEN  
and  
MICHAEL HAROLD ROCK  
(Application 09/794,755)

Junior Party,

v.

TETSUYA IKEMOTO, WEI-GUO GAO,  
and  
MASAMI IGI  
(Application 10/086,076)

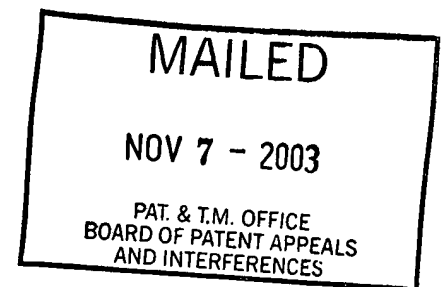
Senior Party

---

Patent Interference No. 105,075

---

**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)



**Part A. Declaration of interference**

An interference is declared (35 U.S.C. 135(a)) between the captioned parties. Details of the applications, patents, reissue applications, counts, and claims designated as corresponding to the counts appear under headings E and F of this NOTICE.

**Part B. Judge designated to handle the interference**

The interference has been assigned to Administrative Patent Judge James T. Moore. 37 CFR § 1.610.

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for action in this interference is scheduled for **2 p.m. (Eastern) on December 17, 2003**. (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies the NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**E. The parties involved in this interference are:**

**Junior Party**

Named Inventors: HANS PETERSEN, Denmark  
MICHAEL HAROLD ROCK, Denmark

Application: 09/794,755; filed Monday, February 26, 2001

Title: Method for the Preparation of Citalopram

Accorded Benefit: Denmark Application 2000-00296;  
filed Thursday, February 24, 2000

Assignee: H. Lundbeck, A/S (Denmark)

Attorneys: See last page

Address: See last page

Senior Party:

Named Inventors: TETSUYA IKEMOTO, Japan  
WEI-GUO GAO, Japan  
MASAMI IGI, Japan

Application: 10/086,076; filed February 28, 2002

Title: Production Method of Citalopram, Intermediate Therefor,  
and Production Method of the Intermediate

Accorded benefit: United States Application 09/654,768; filed September 5, 2000;  
now United States Patent 6,433,196 B1 issued August 13, 2002

Japanese Patent Application 39936/2000; filed February 17, 2000  
Japanese Patent Application 65527/2000, filed March 09, 2000

Assignee: Sumika Fine Chemicals Co., Ltd. (Japan)

Attorneys: See last page

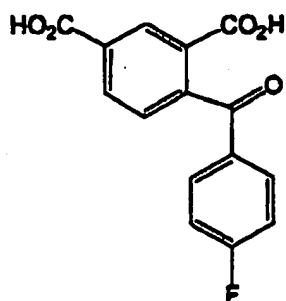
Address: See last page

# F. Counts and claims of the parties

## Count 1

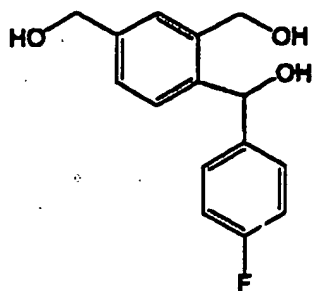
A method for the preparation of citalopram, comprising the steps of:

a) reducing a compound of formula 1



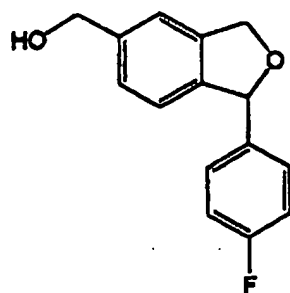
(1)

to form a compound of formula 2



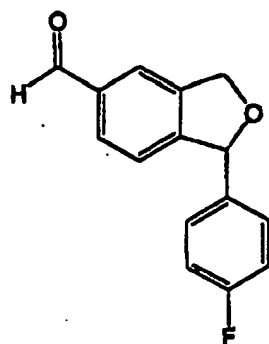
(2)

b) cyclizing or ring closing the compound of formula 2 to form a compound of formula 3



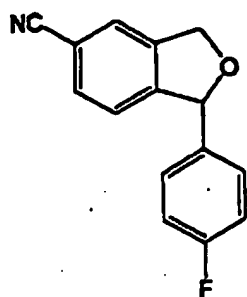
(3)

c) oxidizing the compound of formula 3 to form a compound of formula 4



(4)

d) converting the compound of formula 4 to a compound of formula 5



(5)

and

e) (1) alkylating the compound of formula 5 to form citalopram as an acid or base addition salt thereof, or

e) (2) alkylating the compound of formula 5 to form citalopram; and isolating citalopram in the form of the base or an acid addition salt thereof.

The claims of the parties are:

Petersen: Claims 6 and 7

Ikemoto: Claims 17 and 21-28

The claims corresponding to Count 1:

Petersen: Claims 6 and 7

Ikemoto: Claims 21-28

The claims not corresponding to Count 1:

Petersen: None

Ikemoto: Claim 17



**G. Heading to be used on papers**

Addendum 1 provides the heading that shall be used on all papers filed in the interference. See STANDING ORDER ¶3.5.

**H. Summary of dates for taking action**

Addendum 2 provides a summary of dates and times for taking action set in the STANDING ORDER.

**I. Order form for requesting file copies**

Addendum 3 provides an order form for requesting file copies. Use of the form will expedite the processing of your request.

**J. Notice of intent to publish**

In the event that this proceeding should result in a decision or order that the Board believes would be of interest to the public, the decision or order will be published without redaction unless, within sixty days of the entry date of this notice of declaration a party files as a separate paper a notice that specifically identifies information in its application that is not already publicly available that would warrant redaction.

If, after filing such notice, specifically identified information becomes publicly available (for example, through publication of a collateral application), the party shall promptly notify the Board of this change in the status of the information.

The parties are reminded that, in any case, at the end of the proceeding all of the information in the proceeding may be publicly available pursuant to 37 CFR § 1.11(e).

  
JAMES T. MOORE  
Administrative Patent Judge

Enclosures:

- Copy of STANDING ORDER (Paper 002)
- Copy of ORDER TO SHOW CAUSE (Paper 003)
- Copy of sample order used for setting times for taking action in the preliminary motion phase of the interference
- Copy of sample order used for setting times for taking action in the priority phase of the interference
- Form PTO-850
- Copy of the Specification, including Claims, for 10/086,076
- Copy of the Specification, including Claims, for 09/794,755
- Copy of US Patent 6,433,196
- Copy of Danish Patent Application No. PA 2000 00296
- Copy of Translation of Japanese Patent Application No. 2000-039936
- Copy of Translation of Japanese Patent Application No. 2000-065527

**ADDENDUM 1**

Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]

By: Name of lead counsel

Name of backup counsel

Street address

City, State, and ZIP Code

Tel:

Fax:

email@isp.com

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

---

**HANS PETERSEN**  
and  
**MICHAEL HAROLD ROCK**  
(Application 09/794,755)

Junior Party,

v.

**TETSUYA IKEMOTO, WEI-GUO GAO,**  
and  
**MASAMI IGI**  
(Application 10/086,076)

Senior Party

---

Patent Interference No. 105,075

---

**TITLE OF PAPER**

---

<sup>1</sup> Leave blank, the Board will administratively assign the paper number.

**ADDENDUM 2****SUMMARY OF DATES FOR TAKING ACTION**

Dates and times for taking action are set in the following paragraphs of the

**STANDING ORDER:**

<u>Date</u>	<u>Paragraph</u>
Identifying lead and backup counsel	4
Identifying any and all real parties in interest	5
Requesting copies of involved and benefit applications and patents	6
Accomplishing certain discovery	7
Filing clean copy of claims	8
Filing clean copy of claims in cases with drawings or claims containing a means plus function limitation	9
Filing list of proposed preliminary motions	10
Filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions	13.10.2
Objecting to admissibility of evidence	14.1.1
Serving supplemental affidavits or evidence to respond to objection to admissibility of evidence	14.2
When cross-examination can take place	14.3
Taking action with respect to settlement discussions	15.2

**ADDENDUM 3**

**FILE COPY REQUEST**  
Patent Interference No. 105,075

Attach a copy of all pages of section E of this NOTICE to this REQUEST. On the copy, please circle each patent and application that you are requesting.

Include the following information to facilitate processing of this REQUEST:

1. Please copy and send one copy of the patent application files circled on attached section E to the address listed below.
2. Please charge fees and costs to USPTO Deposit Account No. \_\_\_\_\_.
3. Please send the copies to the street address listed below. (Note: please provide a complete physical address, including street, city, state, zip code and telephone number - do not list a Post Office box because file copies are sent by commercial overnight courier):

---

---

---

---

4. Any questions should be directed to the telephone number listed below (please include area code:

(     )     -     .

cc: (via Federal Express)

Attorney for PETERSEN:

John C. Todaro, Esq.  
DARBY & DARBY, P.C.  
805 Third Avenue  
New York, New York, 10022

Tel: (212) 527-7700

Attorney for IKEMOTO:

John Kilyk Jr., Esq.  
LEYDIG, VOIT & MAYER, LTD  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780

Tel: 212-616-5600